SRCSD

Wastewater Treatment

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June 24, 1998

Mr. Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, California 95814

Subject: Comments on Draft Programmatic Environmental Impact Statement (EIS)/Environmental Impact Report

Dear Mr. Breitenbach:

The Sacramento Regional County Sanitation District (District) appreciates the opportunity to comment on the Draft Programmatic EIS/EIR published on March 16, 1998. District staff, in addition to reviewing the Draft Programmatic EIS/EIR documents, have also gained an understanding of the Bay-Delta Program by attending both numerous public meetings beginning in Phase I and meetings of the Water Quality Technical Group in Phase II. The District has the following comments.

1. Failure to Recognize Redirected Impacts of CALFED Program

One of the solution principles of the CALFED program is that *solutions shall not result in significant redirected impacts*. The EIS/EIR is an important vehicle for implementing this principle. The EIS/EIR should clearly identify potential areas where such redirected impacts may occur. We find that the EIS/EIR has failed in this area.

The CALFED program and the EIS/EIR focus attention on the need to reduce bromide and total organic carbon (TOC) levels in water exported from the Delta for water supply purposes. Water quality target levels for bromide and TOC concentrations measured at drinking water intakes have been stated in the Water Quality Program, Technical Appendix, dated March 1998. These target levels are based on an analysis which seeks to limit future regulatory compliance costs to water supply utilities. This analysis is based on a number of assumptions regarding the projected outcome of future regulatory decisions regarding implementation of the Safe Drinking Water Act. The target levels established as a result of this cost-based analysis could have a significant effect on the selection of CALFED alternatives.

The target levels for bromide and TOC contained in the CALFED EIS/EIR documents produce an argument in favor of Alternative 3 (in-Delta channel enlargement and isolated conveyance facility taking Sacramento River water near Sacramento). Implementation of Alternative 3 would have cost benefits to water supply entities. However, the redirected impacts of implementing Alternative 3 to

residents of the City and County of Sacramento are not considered in the EIS/EIR. These impacts would result due to the proximity of the isolated facility intake near the Sacramento urbanized area. These impacts could include demands for increased treatment at the Sacramento Regional Wastewater Treatment Plant, increased controls on stormwater runoff, increased controls on growth and development in the Sacramento area, etc. The costs for implementation of these measures could significantly impact the residents of Sacramento and surrounding communities.

The outcome of the CALFED solution could therefore be the reduction in costs for water treatment by water exporters and the redirection of those costs to Sacramento area residents for "source control activities. The EIS/EIR should state that this outcome is not consistent with the CALFED solution principles. The basis for water quality target levels for bromide and TOC should also be reevaluated in light of this potential outcome.

2. Probable Redirected Costs of CALFED alternatives

The EIS/EIR should clearly state that implementation of the CALFED alternatives may produce redirected costs to parties within the CALFED solution area. For instance, as mentioned above, Alternative 3, which would divert a major portion of the Sacramento River into water supply conveyance facilities, may result in the following costs to the Sacramento Regional County Sanitation District (SRCSD):

a. Location of the conveyance facility intake near the point of discharge of the SRCSD wastewater treatment plant may result in pressure from water supply interests to improve the level of treatment at the plant. Additional treatment, outfall relocation or the diversion of effluent to reclamation uses would produce increased costs to SRCSD ratepayers. These increased costs and changes in local rates for wastewater treatment and disposal should be discussed, evaluated and estimated in the CALFED EIS/EIR.

b. Location of the conveyance facility above the discharge from the SRCSD plant would reduce flow in the Sacramento River at the point of discharge. This change in existing conditions would lead to more restrictive effluent limitations in the District's NPDES permit. These more restrictive limitations would likely increase treatment and/or disposal costs to SRCSD ratepayers. Projected increases in costs and rates should be presented in the EIS/EIR.

Similar pressure to modify operations of the City of Sacramento combined sewer overflow facilities and the City and County of Sacramento stormwater facilities would be expected upon implementation of CALFED alternative 3. The EIS/EIR should estimate the probable cost impacts of these modifications on residents of the Sacramento area.

Redirected cost impacts to residents of the Sacramento and San Joaquin Valleys may also result due to implementation of the CALFED common programs. A number of the source control actions identified in the water quality common program would require specific expenditures by individual communities or business entities. These probable costs should be articulated in the EIS/EIR.

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A premise of the CALFED program is that regulatory costs will not be covered by CALFED funding. This approach fails to recognize the impact of various CALFED proposals on the regulatory burden to be shouldered by residents of the Sacramento and San Joaquin Valleys. Regulatory costs which are induced by the CALFED program should be treated differently than regulatory costs which are independent of the CALFED program. It is important that the pre-CALFED baseline for current regulatory costs in the Sacramento and San Joaquin watersheds be established in the EIS/EIR so that these extra CALFED-induced regulatory costs can be identified.

3. Need to Identify Method by Which Redirected Costs of the CALFED Program will be Mitigated

Another solution principle for the CALFED program is that solutions must be equitable. It is therefore essential that the EIS/EIR address the potential costs and benefits of the CALFED program to affected parties.

The EIS/EIR should stipulate the method by which redirected costs of the CALFED program would be mitigated (i.e. funded). The assignment of these redirected costs to residents of the Sacramento and San Joaquin Valleys would not be equitable and would potentially result in a significant redirection of economic impacts. The cost burden for these redirected economic impacts should be borne by the beneficiaries of the CALFED solution in direct relation to the magnitude of benefit received.

4. Need to Delineate Beneficiaries of CALFED Solutions

The CALFED documents identify the problem area and solution area for the CALFED program but fail to clearly identify or discuss the differing benefit areas for proposed CALFED solutions. The benefits of the CALFED program are unevenly distributed across the State. It is important that an understandable discussion of the nature and extent of benefit that will accrue to different beneficiaries be included in the EIS/EIR. The following delineation of benefits is offered from the perspective of Sacramento Valley residents:

> *Residents of the State of California* – A statewide economic benefit would be realized as a result of improved environmental conditions in the Bay-Delta and tributary areas and growth accommodation in major population centers in the State.
>
> *Residents of the Delta tributary watersheds* – The above statewide benefits would be realized, plus additional local economic benefits, enhanced quality of life and aesthetic improvements would be derived from improved environmental conditions in the Bay-Delta and tributaries.

Bay area and Southern California water supply interests and urban users –General statewide benefits would be realized, plus additional benefits would be received, including reliable water supplies which would enable growth and development in these areas and improved source water quality. CALFED-financed storage and conveyance facilities would provide this reliability and improved quality. Environmental enhancements and safeguards provided by the CALFED program would also add to the reliability of the water supply.

San Joaquin Valley agricultural interests - Statewide benefits would be realized; additionally, more reliable water supply would be provided to a portion of the San Joaquin Valley agricultural community through construction of new facilities and implementation of environmental enhancement projects.

This statement of benefits should be modified and/or augmented in the EIS/EIR to properly reflect a more complete evaluation. The EIS/EIR should also provide quantification and relative comparisons of identified benefits to various beneficiaries.

5. Water Quality Control Aspects of CALFED Program

The CALFED water quality control program must be consistent with California and federal laws, regulations and policies governing water quality management. (e.g. California Water Code and Clean Water Act, SWRCB and EPA policies and regulations). The EIS/EIR should clearly state that the CALFED program will comply with existing law and will not modify or usurp the existing regulatory structure.

The Porter Cologne Act (Section 13000) stipulates that "the activities and factors which may affect the quality of waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible." This language has been interpreted by the courts to mean that water quality management in California shall be based on a reasonable, balanced approach.

Aspects of the CALFED water quality program suggest a water quality management scheme that is not consistent with the above approach and which may move beyond existing laws, regulations and policies. For instance, numerous generalized statements are made in the EIS/EIR and supporting documents regarding the benefits of source control actions. No analysis is offered to address the magnitude or significance of the various suggested control actions. This implies a policy of source control based largely on the ability to identify sources. The EIS/EIR and supporting documents should be revised to remove this implication.

Current laws, regulations and policies offer a more sophisticated approach, which is based on the adoption of water quality objectives to ensure the reasonable protection of beneficial uses and the development of programs of implementation to achieve those objectives. The EIS/EIR should specifically reference these existing regulatory processes and requirements as the framework to be employed in its water quality common program.

The use of CALFED-designated "target levels" as measures of success for various CALFED implementation activities is problematic unless the target levels coincide with adopted water quality objectives or other legally enforceable standards. Where CALFED target levels are based on advisory criteria, guidelines or values of a similar nature, the potential exists for misuse of these values, i.e. as "underground" standards, by the agencies charged with implementation of the CALFED program. This creates legal problems under the California Water Code, which has specific requirements for the adoption and implementation of water quality objectives (Section 13241). The EIS/EIR should clearly differentiate between target levels which have been legally adopted in accordance with applicable procedures and those target levels which are advisory in nature and are not legally enforceable. Examples of the latter would include target levels for tissue and sediment and water quality targets for bromide and TOC.

As mentioned above, the target levels for bromide and TOC (which are derived based on water treatment costs) are different from most of the other proposed water quality targets, which are derived from calculations that directly reflect the protection of either aquatic life or human health. This difference should be noted in the EIS/EIR. Additionally, the EIS/EIR should examine a range of potential SDWA regulatory scenarios, including implementation of California-specific MCLs, in documenting the development of cost-based objectives for bromide and TOC.

6. Water Quality Impacts of CALFED Alternatives

The EIR/EIS provides a limited assessment of the impacts of the CALFED alternatives on selected water quality parameters: salinity, dissolved organic carbon, and bromide. Additional water quality and beneficial use impacts of the CALFED alternatives due to modified flow patterns through the Delta must be provided. In addition to salinity, organic carbon and bromides, water quality parameters of interest include trace metals, pesticides, other trace organics, pathogens, nutrients, sediment, and others. For instance, predicted changes in these parameters in the Delta due to implementation of each of the three alternatives should be documented for various wet and dry season scenarios.

This analysis should be developed using currently available information and analytical tools to the extent possible. Limitations on the analysis should be stated in the EIR/EIS.

7. Comprehensive Monitoring, Assessment and Research Program (CMARP) Activities and Policies

CMARP should integrate local monitoring activities and seek to augment and assist these efforts. The design of the overall program should be developed with the full participation of representatives from major existing monitoring programs. For example, CMARP should incorporate the ongoing monitoring program integration activities of the Sacramento River Watershed Program into its overall monitoring strategy. The EIS/EIR should state that CMARP recognizes the benefit and autonomy of local monitoring activities.

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CALFED should help fund essential ambient water quality monitoring work in the Bay-Delta and tributary watersheds. Existing programs exist which should be integrated and augmented to provide an overall ambient monitoring program which meets basic data needs to address major management issues.

8. Watershed Management

CALFED should directly acknowledge the importance and primacy of local watershed efforts in preserving and protecting ecological, social and economic values within the CALFED solution area. CALFED should also state its intentions to assist and support the activities of these local watershed management efforts.

The watershed management approach provides a framework for development of incentive-based programs for water quality control, water use efficiency, water transfers, and a number of other areas. The EIS/EIR should endorse the watershed management approach as a vehicle to shift from regulatory-based to incentive-based management. SRCSD supports watershed management as an effective, goal-oriented approach to restoring and enhancing beneficial uses in the Sacramento River basin.

CALFED's proposed programs are far-reaching and immense in magnitude. Consequently, the District would like to be informed of every opportunity to provide additional comments.

Sincerely,

Robert F. Shanks
District Engineer

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Technology in balance with nature

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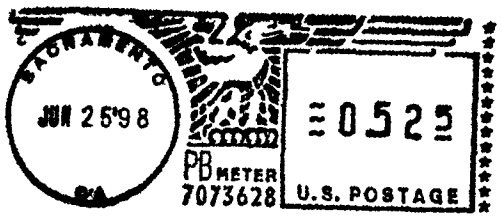

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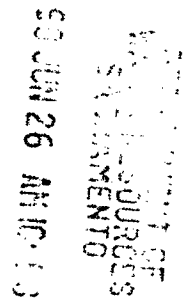

Sacramento Regional County Sanitation District

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